

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT EDWARD ROPER,

Petitioner,

v.

THE STATE OF WASHINGTON

Respondent.

Case No. C08-5049BHS/JKA

ORDER TO AMEND
OR CHANGE CASE
CAPTION

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

The court has reviewed the petition prior to service. Mr. Roper names the State of Washington as the only respondent. Mr. Roper is housed out of state and should have named the Secretary of Washington States Department of Corrections, Eldon Vail, or the superintendent of the facility where he is currently housed.

28 U.S.C. § 2243 indicates that writs are to be directed “to the person having custody of the person detained.” This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal

ORDER

1 jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

2 Petitioner is ordered to file an amended petition naming the proper respondent, or file a
3 motion to change the case caption. The new petition or motion must be filed on or before **March**
4 **14, 2008** or the court will recommend dismissal of this petition on jurisdictional grounds.

5 The clerk is ordered to send copies of this order to the petitioner.

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7 DATED this 19 day of February, 2008.

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10 /s/ J. Kelley Arnold
11 J. Kelley Arnold
 United States Magistrate Judge
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ORDER